

STANDARDS FOR CONDUCTING BACKGROUND INVESTIGATIONS ON OFFEROR EMPLOYEES AND DETERMINING MINIMUM STANDARDS OF ACCEPTABILITY UNDER THE REQUEST FOR PROPOSAL (PRE-AWARD)

Refer to the following criteria to be used to conduct background investigations:

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- Employment 5 years
- Residence 3 years
- References
- Law Enforcement 5 years (Records check of all cities/counties they have lived in or worked in)
- Credit History 7 years

c. *Initial Acceptability Adjudication.* When the offeror receives an application from an offeror employee for work on the RFP, the application should contain enough documented history (residence-employment) to ensure that a proper background investigation can be conducted. An initial review of the person's application and application-related information should be conducted immediately, before referral to the agency performing the background investigation¹, to determine if any potentially disqualifying acceptability issues appear in the application. If there are potential disqualifying issues, refer to the "Disqualifying Factor" tables below for making a decision. If the offeror believes that an employee who does not meet the standards set out in the table below should still be considered suitable, it may present justification to the Contracting Officer and request approval of a acceptability determination.

d. *Additional Considerations.* The higher the level of authority and the more responsibilities associated with the position, the more serious the conduct becomes as a potentially disqualifying issue. Generally, offenses committed as a minor are treated as less serious than are the same offenses committed as an adult, unless the offense is very recent, is part of a pattern, or is particularly heinous. A juvenile offender is one who committed an act in violation of a law, regulation, or ordinance before his or her 18th birthday and the offense for which he or she was charged was finally adjudicated in a juvenile court or under a youth offender law. A more flexible standard shall be applied when adjudicating, if the person either: (a) committed an offense prior to the 18th birthday and the offense was adjudicated in a juvenile court; or (b) up to the age of 26 had a conviction set aside under the Federal Youth Correction Act or similar State authority. Contributing societal conditions can be considered in cases involving relatively minor issues.

e. *Acceptability Statement.* For each offeror employee meeting the RFP's standards of acceptability, the offeror shall provide the Contracting Officer a written, signed statement as follows: "I have conducted the required background investigation on (enter offeror employee name) and have determined that he/she meets the minimum standards of acceptability for Request for Proposal Number 06SP101624."

f. *Acceptability Standards.* Conduct paralleling any of the following factors may be considered disqualifying:

¹ While Reclamation does not endorse any particular Offeror to do background investigations, the National Association of Professional Background Screeners (www.napbs.com) has over 300 member firms, associates, and affiliates.

DISQUALIFYING FACTOR	ADJUDICATIVE APPLICATION
<p>Other-than honorable military discharges Any statutory debarment issue Any loyalty or terrorism issue</p>	<p>Disqualifying for employment as a Federal Offeror or Federal Contactor employee</p>
<p>Issues relating to: Pattern of abuse of alcohol Pattern of abuse of illegal drugs Rape, sexual assault, or other criminal conduct Dishonest conduct Financial irresponsibility pattern Disruptive or violent behavior Rioting or violent behavior Destruction of property Illegal use of firearms/weapons</p>	<p>Disqualifying if felonies. Disqualifying if a misdemeanor and there have been more than two occurrences within 3 years. (NOTE: may involve delinquency or misconduct in employment, including military service.)</p>
<p>Misconduct or negligence in prior employment which would have a bearing on efficient conduct in the position in question, or would interfere with or prevent effective performance of duties and responsibilities.</p>	<p>May or may not have resulted in dismissal from employment. If dismissal resulted, primary emphasis should be placed on the act or conduct which prompted the dismissal rather than on the mere fact of dismissal.</p>
<p>Criminal or dishonest conduct related to the duties to be assigned to the applicant or to that person's performance or the performance of others. (Supervisors/etc)</p>	<p>Criminal - Primary concern should be with the nature of the criminal conduct, evidence of rehabilitation, and the effect such conduct may have on the efficiency of the contract. The facts and circumstances of the behavior should be considered in all decisions (even where the record has been expunged or a pardon granted. Exception: Presidential or gubernatorial pardon granted on the basis of the person's innocence). Persons under indictment or formal criminal charges (felonies) may not be considered for employment until a disposition is made of the pending charge(s).</p> <p>Dishonest - Includes an act indicating deliberate disregard for the rights of others (generally through lies, fraud, or deceit) for the benefit of the applicant or employee or other persons (e.g., offer or acceptance of a bribe; falsification of records; willful disregard for the truth; theft; issues relating to non-material falsification; etc.)</p>
<p>Intentional false statement or deception or fraud in application.</p>	<p>Examples: Impersonation, assuming identity of a person who has eligibility; altering the condition of discharge on military discharge documents; altering college transcripts; falsifying an application or SF 85.</p>

DISQUALIFYING FACTOR	ADJUDICATIVE APPLICATION
Alcohol abuse of a nature and duration which suggests that the applicant would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of others.	Current, continuing abuse is disqualifying. Abuse may manifest itself in poor employment records, debts, domestic difficulties, or convictions. A clear, lengthy break in a pattern of abuse, and strong evidence that the abuse will not occur again is required before the conduct can not be considered non- disqualifying.
Illegal use of narcotics, drugs, or other controlled substances, without evidence of substantial rehabilitation.	Current or recent use or possession is disqualifying. Any pattern is also disqualifying unless there is a clear, lengthy break (more than 3 years) since the last occurrence.
Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.	Traitorous acts are disqualifying. Knowing membership in, with specific intent to further the aims of, an organization which unlawfully practices acts of force or violence to prevent others from exercising their rights under the Constitution or law, or which seeks to overthrow the U.S. Government by unlawful or unconstitutional means is disqualifying. Peaceful protest in and of itself is not disqualifying. Note: In some situations conduct that is disqualifying will also involve statutory bar to employment.
Any statutory bar which prevents the lawful employment of the person involved in the position in question.	A statutory or regulatory bar prevents the lawful employment of the person involved in the position in question.